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09/664,578	09/18/2000	Stephen C. Roderick	130244	3952

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EXAMINER
BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/664,578	Applicant(s) RODERICK, STEPHEN C.
	Examiner William L. Bashore	Art Unit 2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 November 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-7,9-11,13,14,18-20,23 and 25-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-7,9-11,13,14,18-20,23 and 25-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This non-final action is responsive to communications: RCE/amendment filed 11/7/2005, to the original

application filed 9/18/2000, IDS filed 1/4/2002. Application is a continuation of U.S. Application serial no.

09/228,259 filed **1/11/1999** (now U.S. Patent No. 6,122,648).

2.   Claims 3-7, 9-11, 13-14, 18-20, 23, 25-35 pending. Claims 27, 29, 31 are independent claims.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e),

was filed in this application after final rejection. Since this application is eligible for continued examination

under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous

Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/7/2005 has

been entered.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   **Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to**

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

        In regard to dependent claim 35, it is noted that claim 35 is dependent upon claim 34. It is noted that

claim 34 "and/or" can be interpreted as choosing one of two selections (a local or a remote information

resource), however, claim 35 preserves the possibility of requiring both types of information resources. If a local

source is selected, and as long as claim 34 does not specifically recite at least the presence and capability of both

a local and remote resource (regardless if chosen by a user), then claim 35 remains indefinite.

Claim Rejections - 35 USC § 103

6.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   **Claims 27, 29, 31-35, 3-4, 6-7, 13-14, 18, 23, 28 are rejected under 35 U. S. C. 103 (a) as being**

unpatentable over Blinn et al (5,897,622), in view of Nazem et al (5,983,227), and in view of Bijnagte

(5,235,680) (said three references listed on Applicant's IDS).

As per independent apparatus claim 27 (and similarly, method claim 29, and storage medium

claim 31), and dependent claims 6, 28, 30, 32, Blinn discloses processing queries, including the dynamic

,generation of web pages (see columns 3-4), in which a page is composed for display by processing a template

having a request for information from an order.

Refer also to Blinn's figures 1, 2, 3A, 3B, 5, 10, 12, 14, in which various embodiments illustrating the

operation of the dynamic page generator are disclosed, including a processor, storage device, presenting (i.e.

provisioning) information to a user etc.. It is, noted that Blinn fails to disclose:

(1) dependence upon whether or not the page already exists;

(2) "product identifier".

However, Nazem discloses (see abstract, figure 2) a user template that is either generated from user preferences

or retrieved from a cache of recently used user templates.

Bijnagte discloses communicating real estate information (a form of product, hence a product identifier) between a host computer and a remote display terminal (see abstract).It is noted that Bijnagte's disclosure is directed toward providing real estate information (listings of real estate properties), and in view of Blinn's disclosure of processing merchant information (see columns 7-12, e.g., column 10, lines 5 et seq--The merchant system 120 provides a set of HIMl, pages dynamically generated from queries to a database 121 having store information, such as inventory data, advertising copy, product images, pricing, customer information and promotions.) One of ordinary skill in the art would be motivated to process queries that include said product identifiers, in order to help the user to narrow searches.

It would have been obvious to one of ordinary skill in the art to combine the inventions to Blinn, Nazem, and Bijnagte in arriving at the instant invention because it would be faster to transmit a page that already exists (as in the use of Nazem's cache) rather than always re-create pages that already exist (as in Blinn's invention). It would have been obvious to one of ordinary skill in the art to apply Blinn and Nazem to the field of real estate marketing (as in Bijnagte's invention) because it was well known at the time of the invention to provide such information on the Internet. It would also allow realtors to provide custom templates for individual clients for the purpose of showing properties.

In addition, although Blinn teaches a URL with a server and various identifiers (Blinn column 7 lines 14-26), Blinn does not specifically teach a resource identifier immediately following a server name. However, Nazem teaches a URL with a server name (quote.yahoo.com) with a resource identifier call to Dow Jones immediately after said server (quotes?SYMBOLS=^DJI&detailed=t) (see Nazem column 13 near middle of table listing). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Nazem to Blinn, providing Blinn the benefit of adaptation to various types of URL resource calls.

As per dependent claims 3-4 and 7, (and similarly, claims 13-14, 18, and 23, 33), it is noted that Blinn and Nazem fail to teach details of "real estate identifier". However, it would have been obvious to one of ordinary skill in the art at the time of the invention to teach such details in view of Bijnagte's disclosure, which

is directed toward providing real estate information, and in view of Blinn's disclosure of processing merchant

information (see columns 7-12, e.g., column 10, lines 5 et seq--The merchant system 120 provides a set of

HIMl, pages dynamically generated from queries to a database 121 having store information, such as inventory

data, advertising copy, product images, pricing, customer information and promotions.) One of ordinary skill in

the art would be motivated to process queries that include "ISPID", etc., in order to help the user to narrow

searches.

As per dependent claims 34-35, although Blinn teaches a URL with a server and various identifiers

(Blinn column 7 lines 14-26), Blinn does not specifically teach a resource identifier immediately following a

server name. However, Nazem teaches a URL with a server name (quote.yahoo.com) with resource identifier

call to Dow Jones (a remote information resource) immediately after said server

(quotes?SYMBOLS=^DJI&detailed=t) (see Nazem column 13 near middle of table listing). It would have been

obvious to one of ordinary skill in the art at the time of the invention to apply Nazem to Blinn, providing Blinn

the benefit of adaptation to various types of URL remote resource calls for gathering external information.

8.   **Claims 9-11, 19-20, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Blinn et al (5,897,622), Nazem et al (5,983,227), Bijnagte (5,235,680) as applied to claims 27, 29, 32 above,

and further in view of Anderson et al (5,974,396) (listed on Applicant's IDS).

As per dependent claims 9-11, 19-20, and 25-26, it is noted that Blinn, Nazem, and Bijnagte fail to

disclose "compiling and maintaining statistics" based on the marketing code or "report function". However, refer

to Anderson's abstract; figures 1, 6, 12A, and 13; and columns 5-12. Anderson discloses gathering and analyzing

customer and purchasing information based on buying habits, needs, demographics, etc. Anderson's system is

used to generate reports in response to retailer queries. It would have been obvious to one of ordinary skill in the

art at the time of the invention to combine the teachings of Anderson with those of Blinn, Nazem, and Bijnagte

in arriving at the instant invention because it would allow realtors to conveniently gather demographic details

and other marketing data for their clients and for the realtors themselves.

9.   **Claim 5 is rejected under 35 U. S. C. 103 (a) as being unpatentable over Blinn et al., Nazem et al,**

and Bijnagte, as applied to claim 27 above, and further in view of Kirkevold et al. (6,263,322).

      As per dependent claim 5, Blinn et al. does not specifically teach a VIN code. However, Kirkevold et

al. teaches querying via VIN code (Kirkevold et al. column 17 lines 35-56). It would have been obvious to one

of ordinary skill in the art at the time of the invention to apply Kirkevold et al. to Blinn et al., providing Blinn et

al. the benefit of vehicle identification as part of resource identifiers, to broaden the scope of querying.

Response to Arguments

10.   Applicant's arguments filed 11/7/2005 have been fully and carefully considered but they are not

persuasive.

      Applicant argues on page 7 of the amendment that claim 35 is not indefinite under 35 U.S.C. 112 2nd

paragraph. It is respectfully noted that "at least one or more" can be fairly interpreted as "one". Claim 34 does

not claim that both local and remote resource capability is present (regardless of which is chosen), so that if

local resource is chosen, the claimed remote resource in claim 35 would be present.

      Regarding applicant's on page 8 of the amendment, real-estate property is a form of "product" and the

examiner respectfully maintains that it would have been obvious to one of ordinary skill in the art at the time of

the invention to apply the product identifier to a URL as disclosed.

Conclusion

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WILLIAM BASHORE
PRIMARY EXAMINER

January 21, 2006